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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Washino et al.

Serial No.: 09/900,784

Group No.: 2614

Filed: July 6, 2001

Examiner: Michael Lee

For: DUAL COMPRESSION FORMAT DIGITAL VIDEO PRODUCTION SYSTEM

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Mail Stop APPEAL BRIEF
Commissioner for Patents
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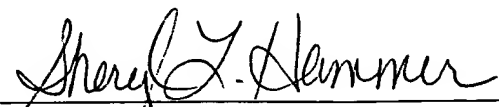
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Appellant's Amended Appeal Brief
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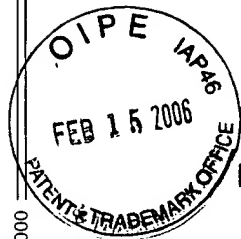
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Sheryl L. Hammer



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: Washino et al.

Serial No.: 09/900,784

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Filed: July 6, 2001

Examiner: Michael Lee

For: DUAL COMPRESSION FORMAT DIGITAL VIDEO PRODUCTION SYSTEM

APPELLANT'S AMENDED APPEAL BRIEF UNDER 37 CFR §1.192

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PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication mailed January 11, 2006, Appellant hereby submits its amended Appeal Brief.

I. Real Party in Interest

The real party and interest in this case is Multi-Format, Inc., by assignment.

II. Related Appeals and Interferences

There are no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

The present application is a continuation of a reissue application, and was filed with 28 claims (numbered as 51-78 in July 2001 Preliminary Amendment). Claims 79-269 were added by a second Preliminary Amendment in June 2003, and subsequently withdrawn from consideration by the Examiner. Claims 64, 78-269 were canceled by amendment in August 2004. Claims 51-63 and 65-77 are pending, rejected and under appeal. Claims 51 and 65 are the independent claims.

IV. Status of Amendments Filed Subsequent Final Rejection

No after-final amendments have been made.

V. Summary of Claimed Subject Matter

Independent claim 51 is directed to a video storage system, comprising one or more inputs for receiving video program source material containing program elements and supplemental information associated therewith. The supplemental information includes a) correlated edit-time-code information, and b) computer-readable scripting, casting or staging information. The system further includes storage for storing the video program source material and the supplemental information. (See U.S Patent No. 5,488,433, col. 5, line 66 to col. 6, line 58.)

Independent claim 65 is directed to a video recording method, comprising the steps of receiving audio and video source material containing program elements; receiving supplemental program information relating to the source material, such information including a) correlated edit-time-code information, and b) computer-readable scripting, casting or staging information; recording the source material in digitally compressed form; and recording the supplemental program information in digital form. (See U.S Patent No. 5,488,433, col. 5, line 66 to col. 6, line 58; col. 2, lines 20-37.)

VI. Grounds of Objection/Rejection To Be Reviewed On Appeal

A. The rejection of claims 51-59 and 61-63 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,206,929 to Langford et al.

B. The rejection of claims 60 and 65-77 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,206,929 to Langford et al.

VII. Argument

A. Claim 51.

Among other limitations, claim 51 includes the step of "receiving ... computer-readable scripting, casting or staging information" (Emphasis added). In rejecting this claim on obviousness grounds, the Examiner cites col. 7, lines 21-23 "which meets the computer-readable scripting

information as claimed. Appellant respectfully disagrees. Col. 7, lines 21-23 of Langford read as follows:

“The scene tracker module also prompts the user to enter descriptions of logged takes (using computer keyboard 31), and stores the user-entered descriptions.”

From this, it is clear that the “user-entered descriptions” are natural-language comments and NOT computer-readable. Since Langford does not teach or suggest this limitation, the rejection is improper. All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Anticipation may be established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. *RCA Corp. v. Applied Digital Data Systems*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation requires the presence of all elements of a claimed invention as arranged in the claim, such that a disclosure “that ‘almost’ meets that standard does not ‘anticipate’.” *Connell v. Sears, Roebuck Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

If an independent claim is allowable under 35 U.S.C. §103, then any claim depending therefrom is allowable as well. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Nevertheless, Appellant will argue the allowability of certain dependent claims, as follows:

B. Claim 52.

With respect to claim 52, the Examiner argues that “the decision list [of Langford *et al.*] includes both the edit time codes and scripting, staging or scene composition information,” citing column 7, lines 33-37. However, Appellant contends that the passage cited by the Examiner provides insufficient disclosure for the purposes of rejection. The pertinent section reads as follows:

“The edit decision lists includes time codes identifying the splices between edits on the list, codes identifying the type of each splice (i.e., white, dissolve, fade or simple cut), and user-entered descriptions of the edits on the list.”

This disclosure has only to do with the manipulation of the splices themselves, and not with any extrinsic instructions regarding scripting, casting or staging. While the cited passage does refer to

“user-entered descriptions of the edits on the list,” again, this has to do with the *edits*, and not with scripting, casting or staging information. The absence of this disclosure alone defeats anticipation.

C. Claim 53.

Regarding claim 53, the Examiner has indicated that in the multiple-camera mode (citing 14:66 – 15:18), “the edit decision list controls the selection of a plurality of video camera views, which meets the camera positioning or orientation control as claimed.” This is not the case. Langford *et al.* only disclose a graphical interface with means to select one of multiple simultaneously displayed camera views as part of the editing process. The ‘929 patent does not, in any way, suggest actual control of a camera itself (i.e., functions such as pan/tilt, zoom, iris control, *etc.*). The Examiner is assuming a bi-directional flow of information where none has been disclosed or suggested.

D. Claim 54.

Regarding claim 54, the Examiner suggests that “the scene tracker utilized by the edit decision list meets the props or actors positioning, orientation, or physical characteristics as claimed (7:1-20, 7:44-49).” This also is not evident from the reference. The information gathered by the scene tracker is wholly driven by the content available in the scene as it has been recorded. There is no ability for the scene tracker to direct the content of the scene. Again, the Examiner is assuming a bi-directional flow of information where none has been disclosed or suggested.

E. Claim 60.

With regard to claim 60, the Examiner concedes that Langford does not specify that the recording apparatus forms part of the camcorder. However, Applicant disagrees that the selection of the camcorder would have been considered an obvious design choice, since the Langford disclosure is strictly limited to a post-production offline editing system, and not a camcorder.

F. Claim 65.

Regarding independent claim 65, the Examiner concedes that Langford fails to specify the step of recording source material in digitally compressed form. Although the use of compression is well

known in some instances, claim 65 includes numerous other limitations, including the receipt of computer-readable scripting, casting or staging information (as amended). However, it is clear from Langford that the "user-entered descriptions" are natural-language comments and NOT computer-readable. Since Langford does not teach or suggest this limitation, prima facie obviousness has not been established for this reason alone. Additionally, Langford has only to do with the manipulation of the splices themselves, and not with any extrinsic instructions regarding scripting, casting or staging. While the cited passage does refer to "user-entered descriptions of the edits on the list," again, this has to do with the *edits*, and not with scripting, casting or staging information. Accordingly, claim 65, as well as claims 66-78, should be allowable for the reasons set forth above with respect to independent claim 51 and its dependencies.

Conclusion

In conclusion, for the arguments of record and the reasons set forth above, all pending claims of the subject application continue to be in condition for allowance and Appellant seeks the Board's concurrence at this time.

Date: Oct. 4, 2005

Respectfully submitted,

By: _____

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APPENDIX A**CLAIMS ON APPEAL**

51. A video storage system, comprising:
one or more inputs for receiving video program source material containing program elements and supplemental information thereto, the supplemental information including:
- a) correlated edit-time-code information, and
 - b) computer-readable scripting, casting or staging information; and
- storage for storing the video program source material and the supplemental information.
52. The system of claim 51, wherein the supplemental information includes an edit-decision-list.
53. The system of claim 51, wherein the scripting or staging information relates to the control of camera positioning or orientation.
54. The system of claim 51, wherein the scripting or staging information relates to the positioning, orientation, or physical characteristics of scenery, props or actors.
55. The system of claim 51, wherein the content or use of the supplemental information are user-controllable.
56. The system of claim 51, wherein at least a portion of the supplemental information is received in a text file or formatted word processor file.
57. The system of claim 51, wherein at least a portion of the supplemental information is reformatted to include specific commands.
58. The system of claim 57, wherein the specific commands include the time at which to

switch camera coverage or camera angle.

59. The system of claim 57, wherein the specific commands relate to close-up camera coverage, or points at which specific visual special effects or sound effects should be incorporated.

60. The system of claim 51, wherein the recording apparatus forms part of a camcorder.

61. The system of claim 51, wherein the supplemental information is stored separately from the program elements.

62. The system of claim 51, wherein the program elements are stored on a videotape.

63. The system of claim 51, wherein the supplemental information is searchable by a user.

65. A video recording method, comprising the steps of:
receiving audio and video source material containing program elements;
receiving supplemental program information relating to the source material, such information including:

- a) correlated edit-time-code information, and
 - b) computer-readable scripting, casting or staging information;
- recording the source material in digitally compressed form; and
recording the supplemental program information in digital form.

66. The method of claim 65, wherein the supplemental information includes an edit-decision-list.

67. The system of claim 65, wherein the scripting or staging information relates to the control of camera positioning or orientation.

68. The system of claim 65, wherein the scripting or staging information relates to the positioning, orientation, or physical characteristics of scenery, props or actors.

69. The method of claim 65, wherein the content or use of the supplemental information are user-controllable.

70. The method of claim 65, wherein at least a portion of the supplemental information is received in a text file or formatted word processor file.

71. The method of claim 65, wherein at least a portion of the supplemental information is reformatted to include specific commands.

72. The method of claim 71, wherein the specific commands include the time at which to switch camera coverage or camera angle.

73. The method of claim 71, wherein the specific commands relate to close-up camera coverage, or points at which specific visual special effects or sound effects should be incorporated.

74. The method of claim 65, wherein the recording apparatus forms part of a camcorder.

75. The method of claim 65, wherein the supplemental information is stored separately from the program elements.

76. The method of claim 65, wherein the program elements are stored on a videotape.

77. The method of claim 65, wherein the supplemental information is searchable by a user.

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None.

APPENDIX B

EVIDENCE

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APPENDIX C

RELATED PROCEEDINGS

None.